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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/671,526	09/27/2000	Herschel Clement Burstyn	SAR 13875	8057

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EXAMINER

CRUZ, MAGDA

ART UNIT	PAPER NUMBER
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2851

DATE MAILED: 08/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/671,526

Applicant(s)

BURSTYN ET AL.

Examiner

Magda Cruz

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2002.
- 2a) ☐ This action is **FINAL**.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 13-21, 29 and 30 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 26 is/are allowed.
- 6) ☒ Claim(s) 1-3, 7-9, 22, 27 and 28 is/are rejected.
- 7) ☒ Claim(s) 4-6, 10-12 and 23-25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 and 5.

- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Group I (i.e. Claims 1-12 and 22-28) in Paper No. 7 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: element 130, from Figure 1. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "portable, hand-held unit" (Claim 22) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

4. Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect may be deferred until after the examiner has considered the proposed drawing correction. Failure to timely submit the proposed drawing correction will result in the abandonment of the application.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 27 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. In claim 27, the phrases "indexing portions" and "updating means" renders the claim to be indefinite. The applicant is respectfully requested to clarify said phrases.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Lander.

Lander (US Patent Number 5,160,951) discloses a rear projection system (column 1, lines 4-5) comprising a retractable rear-projection screen (column 1, line 29) from a deployed position to stowed position (column 1, lines 30-32). The projector (12) projects light onto the retractable rear-projection screen (14); a method of selectively providing facilities to rear-projection light (column 3, lines 15-16), providing a base with means for rolling and unrolling the viewing screen (column 2, lines 57-61), and providing means for updating the projection of the light (column 3, line 16).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2-3, 7-9 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lander in view of Burstyn.

Lander (US Patent Number 5,160,951) teaches the salient features of the present invention, except a folded light path between the projector and the screen, and a method wherein the projector projects light that is polarized to fold a path of the light to the screen, having light detecting portions.

Burstyn (US Patent Number 6,406,150 B1) discloses a folded light path (16, 18) between the projector (24) and the screen (10), and a method wherein the projector

projects light that is polarized to fold a path of the light to the screen (column 2, lines 39-42, 62-66; column 5, lines 4-8), having light detecting portions (column 2, line 47).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to utilize the folded light path and the method disclosed by Burstyn in combination with Lander's invention, for the purpose of reducing the depth dimension without sacrificing image sharpness or brightness uniformity across the screen.

11. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lander in view of Spector.

Lander (US Patent Number 5,160,951) teaches the salient features of the present invention, except a portable, hand-held unit with retractable displaying facilities comprising image memory information.

Spector (US Patent Number 4,323,301) discloses a portable hand-held unit (Figure 1) with retractable displaying facilities (Figure 5) comprising image memory information (column 2, line 9).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to utilize the portable hand-held unit disclosed by Spector in combination with Lander's invention, for the purpose of providing a collapsible and portable screen assembly which is a rear projection screen in conjunction with a slide projector or movie projector.

Allowable Subject Matter

12. Claim 26 is allowed.

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13. Claims 4-6, 10-12 and 23-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

14. The following is a statement of reasons for the indication of allowable subject matter:

The prior art does not teach a retractable rear-projection screen, comprising in combination with the additionally recited elements, a first sheet, a second sheet and a third sheet when the screen is extended, the first sheet, the second sheet and the third sheet being continuous; further comprising a continuous sheet retractable into and extendable from the base, the continuous sheet being folded into a first and second section to be operable with the retractable rear-projection screen when the retractable rear-projection screen is extended; the viewing screen further disposed, when extended, to receive the light, at least some of the light having been selectively reflected back and forth between the first sheet and the second sheet; wherein the viewing screen extends so that a first sheet is interposed between the viewing screen and a second sheet, the first sheet selectively transmitting and reflecting light from the image formation module, the second sheet reflecting the light from the image formation module.

Conclusion


15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Takamoto, et al. (US Patent Number 6,249,377 B1) discloses a portable screen assembly that is easy to carry with a projector.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Magda Cruz whose telephone number is (703)308-6367. The examiner can normally be reached on Monday through Thursday 8:00-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams can be reached on (703)308-2847. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-4355 for regular communications and (703)308-5841 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1782.


RUSSELL ADAMS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

Magda Cruz
Patent Examiner
August 19, 2002